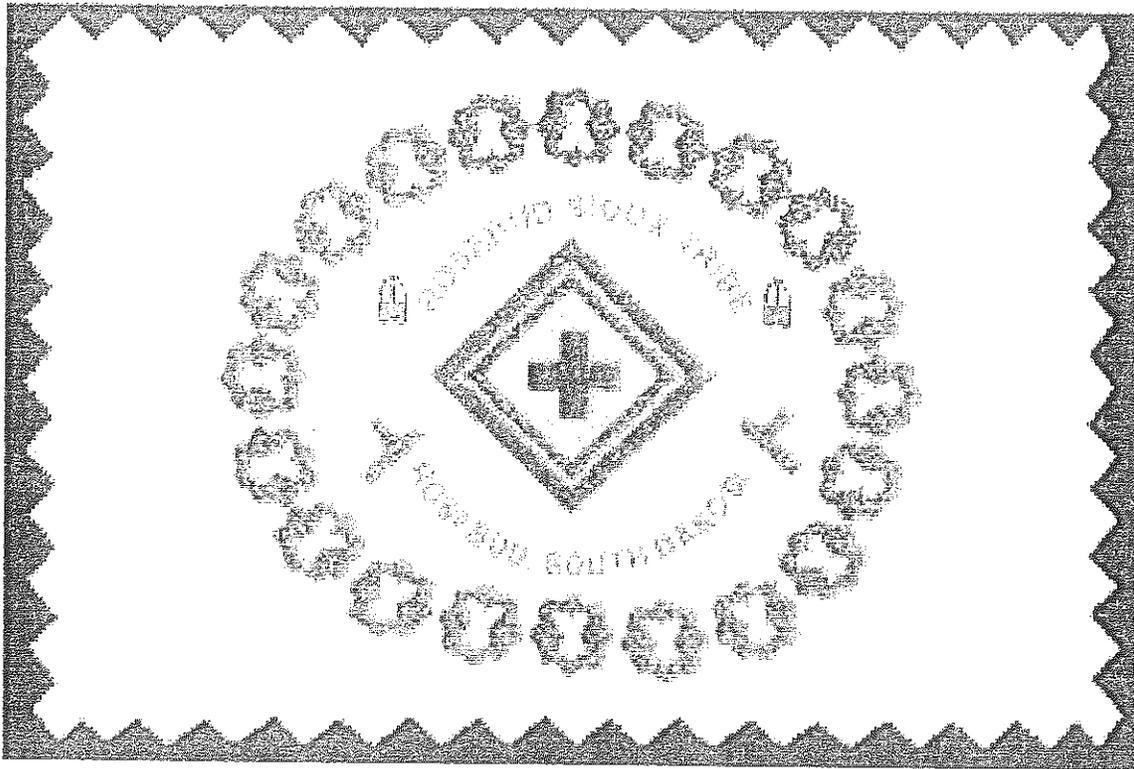


Rosebud Sioux Tribe

Personnel Policy
and
Procedures Manual



ORDINANCE No. 07-09

**ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2007-150**

WHEREAS, the Rosebud Sioux Tribe is a federally recognized Indian Tribe organized under a Constitution and Bylaws pursuant to the Indian Reorganization Act of 1934 as amended; and

WHEREAS, pursuant to its inherent powers as a sovereign nation and pursuant to Article IV, § 1(f) and (t) of the Rosebud Sioux Tribal Constitution, the Rosebud Sioux Tribal Council has the authority to adopt an ordinance “regulating the procedure of the Council itself and of other tribal agencies and tribal officials’; and

WHEREAS, the present Personnel Policies and Procedures Manual (Ordinance No. 86-06) was duly adopted by the Council on June 6, 1986 by Resolution No. 86-87, and has been amended from time to time; and

WHEREAS, the present Personnel Policies and Procedures Manual needs revision, including reorganization, clarification, and updating according to current best practices in personnel management, and according to current federal and tribal law; and

WHEREAS, the Native American Rights Fund was retained by the Tribe to assist the Personnel Committee and the Personnel Director in revising the present Manual; and

WHEREAS, the revision of the Personnel Policies and Procedures Manual has now been completed and will apply to all employees of the Rosebud Sioux Tribe with certain express limited exceptions set forth in the Manual; now

THEREFORE BE IT RESOLVED, that as recommended by the Personnel Committee, the attached Ordinance No. 2007-09 entitled “Rosebud Sioux Tribe Personnel Policies and Procedures Manual” is hereby adopted by the Rosebud Sioux Tribal Council and is in full force and effect as of this date. This Ordinance may be amended by a majority vote of the Tribal Council at a regular or special meeting; and

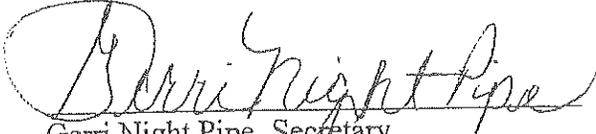
BE IT FURTHER RESOLVED, that this Ordinance rescinds and supersedes Ordinance No. 86-06 as amended, Resolution No. 86-87, and rescinds and supersedes any and all other Tribal Ordinances, resolutions, or motions to the extent those are inconsistent with Ordinance No. 2007-09.

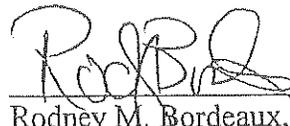
ROSEBUD SIOUX TRIBE
RESOLUTION NO. 2007-150

CERTIFICATION

This is to certify that the above Resolution Number 2007-150 was duly passed by the Rosebud Sioux Tribal Council with first reading on January 16, 2009, by a vote of thirteen (13) in favor, none (0) opposed and one (1) not voting, and the second reading on February 25, 2009 by a vote of thirteen (13) in favor, none (0) opposed and none (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

ATTEST:


Gerri Night Pipe, Secretary
Rosebud Sioux Tribe


Rodney M. Bordeaux, Resident
Rosebud Sioux Tribe

ROSEBUD SIOUX TRIBE
ORDINANCE NO. 2007-09

PERSONNEL POLICIES AND PROCEDURES MANUAL
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I. PERSONNEL STRUCTURE AND MANAGEMENT

A. Purpose.

The purpose of this Personnel Policies and Procedures Manual is to establish and maintain a uniform system of personnel administration that meets the social, economic and program needs of the Rosebud Sioux Tribe (RST). It is also intended to provide standards of fairness and merit for all RST employees by setting forth a comprehensive description of the terms and conditions of employment.

B. Tribal Governance Exemptions from Personnel Policies and Procedures.

Except as otherwise provided herein, this Personnel Policies and Procedures Manual, shall NOT apply to:

1. Elected and Constitutional Officers of the Tribe: Tribal President, Vice-President, Secretary, Treasurer, Sergeant-at-Arms and the members of the Rosebud Sioux Tribal Council.
2. Unclassified positions: political and committee appointees and contract consultants.
3. Employees who are members of RST committees while actively serving in the capacity of a committee member.
4. Tribally chartered entities.
5. Any other programs expressly authorized by Tribal Council to have their own separate Personnel Policies and Procedures Manuals. Supplemental Personnel Policies and Procedures Manuals authorized herein do not qualify as separate Policies and Procedures.

C. Authority.

1. RST Tribal Council and Tribal President.

The Rosebud Sioux Tribal Council has authority over budgets, policies and procedures through the adoption of resolutions and ordinances as they deem necessary. The Tribal Council will take appropriate action against any Director for mismanagement of their designated Department. Any substantive changes that affect the established rights of the employee (as set forth in this Personnel Policy and Procedure Manual) shall require adoption by Resolution and Ordinance of the Tribal Council.

2. Personnel Committee.

The Personnel Committee shall review and recommend legislation for concurrence by the Tribal Council. All legislation offered to the Tribal Council shall be researched by the Committee. All proposed legislation, messages, petitions, memorials and other matters relating to the following subjects shall be referred to the Personnel Committee:

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- (a) Implementation, update and amendments to the RST Personnel Ordinance relative to determining which positions are subject to a political appointment and, thereby, made at the discretion of the Tribal Administration.
- (b) Implementation, updates and amendments to the RST Civil Service relative to non-political positions.
- (c) Act as liaison between the Tribal Administration and Tribal Council in regard to personnel matters.
- (d) Keep abreast of all tribal, state and federal laws involving the civil rights of tribal employees.
- (e) Any other duties as set forth in this Personnel Policies and Procedures Manual.

D. Chain of Command.

Employees in tribal service are required to adhere to chain of command (see Organization Charts located in Departments). Any breach of chain of command will be referred back to the appropriate level and that employee may be subject to disciplinary action up to and including termination.

E. Enforcement.

Enforcement of all personnel policies and procedures is the responsibility of the Human Resources Director and of the employee's immediate supervisor with the approval of the Tribal President or his/her designee.

F. Management Rights and Employee Responsibility.

1. Responsibilities of Public Service. Tribal employees shall demonstrate the highest possible standards of personal integrity, truthfulness, and honesty in all public activities in order to inspire public confidence and trust in Tribal institutions. Such standards include, but are not limited to:

- a. Dedication to the highest ideals of honor and integrity in all public and personal relationships.
- b. Affirmation of the dignity and worth of the services rendered by the tribal government and maintain a constructive, creative, and practical attitude toward community affairs and a deep sense of social responsibility as a public servant.

2. Employment Affidavits. All RST employees are required to sign an Employment Affidavit Form (provided by the Human Resources Department) by which the employee swears:

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- a. To support the Constitution of the RST;
- b. To not participate in any strike against the RST or any agency thereof;
- c. To not solicit or accept any payment or consideration from anyone in return for securing a tribal position or appointment.

3. Manual Contents. The contents of this Personnel Policies and Procedures Manual are presented as a matter of information only and do not create an employment contract by implication and the rights and privileges granted employees are only those specifically stated. It is important for employees to understand that the RST reserves the right to modify, revoke, terminate, or change any or all plans, policies or procedures, in whole or in part, at any time, with or without notice. Additionally, the RST may maintain other, equally valid, policies adopted by the Tribal Council to guide the Tribe in administration of its programs and day-to-day activities.

4. Role of Employees. All employees are expected to be familiar with and comply with RST personnel policies and procedures, particularly those that apply to their own duties and responsibilities. Employees will be required to sign a certificate of receipt of the policy handbook; this certificate will be placed in the employee's personnel file.

5. Role of Management. Directors are responsible for utilizing and applying established personnel policies and procedures consistently in dealing with human resource issues. They are encouraged to seek advice from the Human Resources Director, as needed, in addressing employment issues.

Directors are responsible for developing and maintaining current departmental organizational charts and job descriptions for each position under their supervision. The job description shall set forth the minimum requirements for each position and specify whether the position is considered "non-exempt" or "exempt". A copy of both documents shall be filed with the Human Resources Director. Job descriptions may be modified by Directors with the concurrence of the Human Resources Director and the Tribal President.

6. Role of the Human Resources Department.

a. Human Resources Director

The Human Resources Director is retained by the Tribal Council and supervised by the Tribal President and shall be hired/fired in accordance with policies and procedures set forth for Directors. The Human Resources Director shall be experienced in management and administration and be knowledgeable of good personnel procedures and shall be responsible for the day-to-day maintenance and operation of the Tribal Human Resources Department. It is the Human Resources Director's duty to:

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- (1) Assist in conducting personnel investigations and preparing reports for the Grievance Committee on matters under its considerations.
- (2) Establish and maintain a file of all employees and maintain such files in strictest confidence.
- (3) Provide guidance to the Personnel Committee and Directors on the interpretation and intent of the personnel policies and procedures and assist in addressing employment issues, as necessary.
- (4) Prepare and recommend actions to the Personnel Committee or recommended amendments to policies and procedures as may be deemed appropriate from time to time.
- (5) Approve qualification standards recommended for all professional and non-professional positions and designation as exempt or non-exempt. Advertise for vacant positions and determine whether applicants meet the minimum qualifications required by the position.
- (6) Certify names of eligible candidates to the Directors for hiring considerations.
- (7) Cooperate with Directors in providing progressive training for employees.
- (8) Prepare and present annual reports and other required reports to the Tribal President and Tribal Council.
- (9) Assist Directors in determining the number and kinds of positions needed to carry on the Tribe's business.
- (10) Assist Directors, as necessary, with conducting orientation sessions for new hires.
- (11) Insure that tribal employees are aware of the tribal benefits, tribal policies and procedures, rules and regulations and other employment benefits in the department.
- (12) Authorize all personnel actions and notify the accounting department of all appointments, promotions, demotions, separations and other changes in employee status that affect the employee's rate of pay.

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(13) In consultation with the Tribal President, issue necessary and appropriate regulations implementing this Manual, including regulations interpreting and enforcing provisions of this Manual. Such regulations shall be written and published so that Tribal employees receive notice of such regulations as they are issued. Promptly after adoption of this Manual by the Tribal Council, the Human Resources Director shall issue a regulation setting forth a procedure for soliciting and receiving input on proposed regulations.

(14) Incorporate Tribal Council amendments to this Manual into the text of the Manual as such amendments are enacted by the Council.

(15) Any other duties as set forth in this Personnel Policies and Procedures Manual or as assigned by the Tribal President.

b. Personnel Records

(1) **Location and Confidentiality.** The Human Resources Director shall establish and maintain official personnel records for RST employees. Employee records shall be located at the Human Resources Office or other locations for storage purposes under restricted access. All staff assigned to the Human Resources Department will adhere to strict confidentiality procedures regarding employee files. Employee files shall not be removed from the Human Resources Office except by authorized personnel.

(2) **Examination of File by Employee or Supervisor.** An employee and/or his/her immediate supervisor may examine the employee's personnel file upon written request to the Human Resources Director. Examination of records shall be in the presence of the Human Resources Director or authorized representative.

(3) **Contents.** Employee records shall include information such as employment applications, background investigations, letters of reference, pay and benefits, training and education, performance evaluations, corrective or termination actions, and other necessary information as specified by the Human Resources Director. All personnel files shall be reviewed periodically by the Human Resources Director but critical documentation relative to an employee's performance is never purged. However, any adverse information relative to an employee's performance will only be considered if it remains relevant to the employee's current performance.

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(4) **Release of Information.** Individual employee information may be released to a third party only with an Authorization of Release of Information signed by the employee. Certain information contained in the employee file is considered public information and therefore may be released without employee authorization. These include, but are not limited to: title, department and work site.

(5) **Record Retention.** Upon termination, an employee's personnel record shall be considered inactive, but will be maintained for a period of three (3) years beyond date of termination. After three years, the record may be archived by the Human Resources Director.

G. Prior Policies and/or Resolutions Rescinded.

On the date this Personnel Policies and Procedures Manual takes effect by Resolution and Ordinance of the Tribal Council, it shall supersede and replace any and all previously adopted policies and procedures, and resolutions addressing the personnel management requirements contained herein. However, this Manual shall not supersede or replace the Personnel Policies and Procedures established by those Tribal Departments, programs or other Tribal agencies that are authorized to adopt Personnel Policies and Procedures applying to their employees.

II. EMPLOYMENT CLASSIFICATIONS

A. Regular RST Employees.

1. **Regular Full-Time Employee** regularly works the normal forty (40) hour work week and is eligible for all fringe benefits subject to completion and documentation of a performance evaluation period ("Probationary Status") of ninety (90) calendar days.

2. **Regular Part-Time Employee** regularly works less than forty (40) hours per week and is expected to follow a fixed work schedule. Part-time employees will earn prorated annual and sick leave based on the number of hours in actual pay status for each pay period. Regular part-time employees are also eligible for fringe benefits subject to completion and documentation of a performance evaluation period ("Probationary Status") of ninety (90) calendar days. Eligibility for fringe benefits are determined by the Human Resources Department and may require employees to work a minimum number of hours.

3. **Rotating Shift and 24/7 Employee** is a regular employee who is required to work on special schedules or considered 'on-call' for 24/7 (i.e. police department, ambulance service, security, housing, etc.). These employees will be granted a waiver from normal work hours by their immediate supervisor to reflect their actual hours of work and their schedule will be filed with the Human Resources Director. Rotating shift and 24/7 employees are eligible for all fringe benefits subject to completion and documentation of

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a performance evaluation period (“Probationary Status”) of ninety (90) calendar days. Rotating shift and 24/7 Departments may adopt their own supplemental personnel policies and procedures adjusting those provisions in this Manual which do not accommodate the unique work duties of these programs, including, but not limited to, overtime/compensatory time (V.B.4.); work schedules (V.D.1.); lunch/break schedules (V.E.). Except for these accommodations, however, this manual shall apply to rotating shift and 24/7 Departments. Such supplemental policies and procedures must be approved by the Human Resources Director who shall recommend approval/disapproval to the Tribal Council.

B. Nonexempt and Exempt Employee classifications are determined by reference to the Fair Labor Standards Act (FLSA) (29 C.F.R. Pt. 541) which shall serve as guidelines for the Tribe. Employees are classified as either “exempt” or “nonexempt”. In the interest of establishing best personnel management practices for RST employees, the Tribe has elected to use pertinent provisions of the FLSA as guidelines, taking into consideration pertinent special circumstances of the Tribe, such as Tribal department budget restraints.

1. Exempt Employees. In determining which employees are exempt, the Human Resources Director and Directors shall evaluate each job description pursuant to pertinent considerations set forth in the FLSA. Generally, RST Directors meet the test and are considered ‘exempt’ employees.

2. Non-Exempt Employees. All support staff are considered “non-exempt” and must account for, and attest to, every hour of their work day. Non-exempt employees are entitled to minimum wage provisions and overtime/compensatory time awards for actual hours worked in excess of a 40/hour work week.

C. Probationary Employee. All new employees of the RST are hired in probationary status for the first ninety (90) calendar days of their employment. At the discretion of the employee’s immediate supervisor, the probationary period may be extended for an additional ninety (90) calendar days. Throughout this period, the employee’s performance will be closely monitored and guided. At the end of the probationary employment period, the employee may be terminated with out cause or the employee’s status may be changed to regular status. If the employee changes job positions (within the same or different department), they are again placed on probationary status in order to be evaluated for satisfactory performance as related to the new position.

D. Temporary Employees.

1. Trainee is any person employed by the Tribe under a training program or project for a defined limited period of time. Eligibility for benefits are completely dependent on specific contracts. Trainees must comply with employment provisions set forth in the RST Policies and Procedures Manual.

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2. **Part-Time or Interim Full-Time Employees** may be employed on a temporary basis to fill vacant established tribal positions. This classification of employees is not eligible for fringe benefits other than those that are statutorily mandated or specifically established by contract as determined by the Tribal President. This classification of employees will not be allowed to perform duties within a program when a regular full- or part-time position is required. The employment period for this classification will not exceed ninety (90) calendar days for any single individual. If a position needs to be renewed after the 90-day temporary employment period, the Director must comply with regular hiring procedures.

3. **Grant Employee** has a time-limited appointment that will be subject to termination at the end of the grant. Should the grant be expected to last at least six (6) months in duration, the employee will be granted limited employee fringe benefits, as outlined in an employee contract entered into prior to the employee's acceptance of the position. A grant employee will receive a written notification from the Human Resources Director setting forth the anticipated duration of the job.

4. **Emergency Appointments** are temporary appointments made by a Director and used to perform specific assignments, including supplementing staff. Such appointments are not intended to fill established tribal positions. Emergency appointments for any single individual may only be granted for a period of thirty (30) calendar days; one thirty (30) day extension may be granted. In no event will an emergency appointment for a single individual exceed a total of sixty (60) calendar days.

E. Unclassified Positions. Unless otherwise stated in this manual, other employees (e.g. contract consultants, political appointees, etc.) are considered "unclassified" and not subject to these Policies and Procedures unless assigned to a position in a Department. For Contract Consultants, all conditions of employment shall be set forth in a separate contract, letter of agreement. For Presidential Appointees all conditions are set forth in a job description or similar document and all such employees serve under the direct supervision of the Tribal President or his/her designee. For staff of Presidential political appointees, all conditions of employment shall be set forth in a job description and all such employees shall serve under the direction of the Presidential Appointee. No unclassified position is allowed decision making authority relative to hiring, firing or salary administration.

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III. EMPLOYMENT CONDITIONS AND PROVISIONS

A. Hiring Practices.

1. **Advertising.** The RST tries to fill position vacancies by promoting qualified tribal members and current employees whenever practical. In order to effectively notify staff of position vacancies, the following advertising procedures are followed:

a. The program Director, in conjunction with the Human Resources Director, issues a written vacancy announcement describing the duties and responsibilities of the position, the position title, salary range, requirements for the position, minimum qualifications and closing date. A complete job description is made available to the applicant, upon request. A formal vacancy announcement is posted in the tribal building, aired over radio stations and advertised through newspapers, when feasible. All costs associated with advertising are to be borne by the appropriate program.

b. Director positions are advertised through motion by the Tribal Council. The Tribal Secretary will send this motion to the Human Resources Director who shall then promptly advertise the position, following the procedure in a. above.

c. Vacancy announcements must be posted for a minimum of five (5) working days but not to exceed ten (10) working days, unless a longer announcement period is needed to attract a sufficient number of qualified applicants. In this event, a written request must be submitted by the appropriate Director to the Human Resources Director for approval of the additional extension of time (not to exceed another ten (10) working days). Any position that requires a longer advertising period may be designated as "Open until Filled".

d. All newly funded and newly created positions must be advertised, with the exception of unclassified positions.

e. Initial temporary appointments need not be advertised.

f. In-house promotions, other than for newly created positions, need not be advertised as long as the position remains within the department and the promoted employee meets all the qualifications for the position.

2. Applicant Requirements

a. All applicants must complete the appropriate employment application, attach appropriate documents, and submit the application packet to the Human Resources Department. No applications will be accepted after 5:00 p.m. on the closing date.

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b. The Human Resources Department will log in and file all applications received. These applications will be given (as a group) to the Director after the closing date. Applications for Director positions will be referred to the Tribal President who then recommends to Tribal Council.

3. Interview Process

a. All applications received for the advertised position will be first reviewed and rated by the Human Resources Director. A 'point system' is used as an initial rating tool to assist in applicant selection for interviews. Substantiating documentation is required as an attachment to the application for each point category. The points are assigned by the Human Resources Director and will only be made available to the proper authority who is conducting the interview process. The application of the point system is strictly confidential and may not be shared with the applicant. Point awards are NOT a guarantee of employment.

b. Interviews will be scheduled at the discretion of the Director (or Tribal Council) and the names of those applicants who are selected for interview will be given to the Human Resources Director. If an applicant does not appear for the scheduled interview, the Human Resources Department must notify the applicant in writing that they have missed their interview. If the applicant desires to be re-scheduled for interview, they have one opportunity to do so as long as the hiring process is still open.

4. Reference/Background Checks

a. Directors are required to conduct reference checks for all new hires. These notes are placed in the employee's personnel file.

b. Pre-employment background checks are required for any position whose duties involve regular or incidental contact or control over children. See Attorney General's Guidelines for details of background check requirements and procedures.

c. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires the employer to complete an "I-9" form for any new hire. This form requires two forms of identification that confirms that a person is eligible for employment in the United States. If an employee is unable to present the required document(s) within three (3) work days of the date of hire and does not present a receipt to prove he/she has applied for the necessary documents, the RST may immediately terminate their employment.

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5. Hiring Preference

a. **Veteran Preference.** Applicants with veteran's preference are given a priority hiring status over equally qualified applicants who do not have a veteran's preference. To be eligible for preference, a veteran must meet the eligibility requirements in section 2108 of title 5, United States Code which means that an honorable or general discharge is necessary. Any applicant claiming veteran preference must supply proof of active duty service and proof of honorable discharge or general discharge under honorable circumstances.

b. **Indian Preference.** This Indian preference policy applies to recruitment, hiring, training, and transfer and will be applied in the following hierarchy:

(1) First preference for any and all employment and/or training on the Rosebud Reservation shall be given to the members of the Rosebud Sioux Tribe;

(2) Second preference shall be given to members of other federally recognized tribes.

(3) Eligibility for member preference; minimum standards

(a) To be eligible for application of the Tribal member preference policy, Tribal members must meet the minimum qualifications for the job. If an enrolled Rosebud Sioux Tribal member meets the minimum qualifications, the job shall be offered to the member notwithstanding that there is a non member candidate with better job qualifications.

(b) If a Tribal member candidate and a non member candidate(s) compete for the same Tribal job and a non member candidate is hired, the Tribal member may appeal the hiring decision to the RST Personnel Committee on the grounds the Tribe's Indian preference policy was violated. The Committee's decision shall be final and unappealable.

6. Conditional hiring of non member for a position.

As a condition of consideration for and employment in a Tribal position, a non member shall enter into a written agreement (form available from the Human Resources Director) with the Tribe by which the non member agrees to resign from his/her position upon notice by the Human Resources Director (1) that an RST tribal member who meets the minimum qualifications for the job in question seeks to be retained for such job, and (2) that, the Director, with the approval of the Tribal President or his/her designee, the Tribe has determined to place the tribal member in the job. With all due consideration to non member tribal employees, the Human Resources Director shall give such non member employee at least one (1) month's written notice of enforcement of the resignation

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agreement. Such action shall not be deemed as unsatisfactory performance on the part of the employee, unless such is the case. If a non-member employee loses his/her position, they may be transferred to another open position if he/she meets the qualifications for the position and there is no qualified tribal member who applies for such position.

7. Establishing minimum qualifications for tribal positions

All Directors, in conjunction with the Human Resources Director, shall establish written minimum qualifications for each employment position in their work force, a copy of which shall be provided to applicants or candidates at the time they express an interest in such position.

8. Hiring/Rejection of Applicants

a. Hiring.

The selection of an applicant for a position in tribal service shall be made by the Director. An applicant is not hired until all required signatures are obtained on the Personnel Action. The selection of a Director in tribal service shall be made by the Tribal Council upon recommendation by the appropriate Tribal committee and the Tribal President. The Tribal Council's decision shall be final and unappealable.

b. Nepotism.

(1) Directors.

No person shall be employed for a position in a Department who is an immediate family member of the Director of the Department.

(2) Other Supervisory Personnel.

No person shall be employed or promoted to a position when, as a result, he/she would be directly supervising or receiving direct supervision from a member of his/her "immediate family" (see DEFINITIONS). Direct supervision is defined as the first level above or below the person involved.

(3) Grandfather Clause.

This policy shall not apply to RST employees who are currently employed in a position. However, the policy shall apply at the time they have a change in position.

c. Written notification of rejection. A written notification of rejection will be sent to all applicants by the Human Resources Director upon completion of the hiring process. Hiring decisions are final and unappealable. Applications must be retained by the Human Resources Department for a period of fifteen (15) days after the hiring process is completed. At the end of this period, the applications will be destroyed.

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d. Reasons for rejection are not specified to the unsuccessful applicant but may include:

- (1) applicant does not meet minimum requirements for the position
- (2) record of unsatisfactory employment
- (3) use of political pressure to secure an advantage
- (4) deceptive or fraudulent information in application
- (5) thirty (30) day ineligibility period as set forth in termination provisions
- (6) unsatisfactory background investigation showing applicant's background is not in compliance with the program's requirements

9. In-House Promotions

a. Promotions within the Same Department. Any employee promoted to a higher graded position within the same program is considered to be on probation and will receive a performance evaluation relative to their new position at the end of sixty (60) days. The employee's immediate supervisor will be required to meet with the employee and discuss any needed improvements. The Director, in concurrence with the Human Resources Director, has the authority to extend the probation period by thirty (30) days. If at the end of the initial, or extended, probation period, the employee is not meeting performance requirements for his/her new position, demotion may be applied.

b. Interdepartmental Transfers. Interdepartmental transfers must be approved by both Departments, the affected employee, the Human Resources Director, and the Tribal President. Any employee transferred to another Department is considered to be on probation status as set forth in (a) above.

c. Promotions or Transfers of Directors. All such promotions or transfers must be approved as set forth in (b) above and are considered to be on probation status as set forth in (a) above.

d. Accrued Leave Value for Promotions or Transfers. If the employee remains in continuous service with no break in service prior to the transfer, up to eighty (80) hours of accrued annual leave may be transferred to another Department; any remaining amount must be used or paid out prior to the transfer. Accrued sick leave (up to the allowable ceiling) can also be transferred. "Chartered entities" are exempt from this Manual; therefore this provision does apply to such entities.

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B. Dual Employment (or Moonlighting).

An employee may obtain part-time employment with another tribal Department, providing both the Director and the Human Resources Director concur in writing that there is no interference with existing job duties and that there is no apparent conflict with working schedules or other conflict of interest. However, no employee may be employed in two positions within the same program unless authorized by the Tribal President. Any request for such employment must be made in writing by the applicant and approved by the Director affected by such a dual employment arrangement. A copy of the approval form will be retained in the employee's personnel file.

C. Performance Evaluation.

All employees are subject to an annual performance evaluation. The evaluation is conducted by the employee's immediate supervisor and a written performance summary is placed in the employee's personnel file. An employee receiving an unsatisfactory evaluation shall be subject to disciplinary action, up to and including termination.

D. Employee Orientation.

Orientation will be scheduled for all new employees and conducted once a month by the Director (or his/her designee).

E. Personnel Action Process.

All appropriate paperwork relative to a personnel action must be completed by the Director on the employee's first day of work. Personnel Action forms will be provided by the Human Resources Director and must be submitted to the RST Human Resources Department. Steps must be followed as below:

Step 1. Before affixing signatures to the Personnel Action form, the Human Resources Department must log in the action form and affix a control number (*upper right hand corner on the PER line*).

Step 2. The Personnel Action form is then taken to the Executive Secretary in the Finance Office where it must be logged in and dated (*Date Received line*). The Executive Secretary then forwards the Personnel Action to the Program Manager.

Step 3. The Program Monitor must initial the Personnel Action form and forward it to the Tribal Treasurer for approval (*initial on RST Treasurer line*).

Step 4. The Personnel Action form will then be routed to the RST Finance Executive Secretary where it is logged out and returned to the Human Resources Department.

Step 5. The Human Resources Director will sign the Personnel Action form (*bottom of Personnel Action on the APPROVED: Human Resources Director line*). He will then take the form to the Tribal President for final signature (*Tribal President line*) and return it to the RST Human Resources Department.

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Step 6. The Personnel Action form will be separated and filed as follows: *White Copy* to Payroll Manager in Finance Office; *Pink Copy* retained in Human Resources Department for personnel file; *Yellow Copies (two)* to the requesting Program.

This process may take 3 to 5 working days and a payroll check will not be issued until the Payroll Manager in the Finance Office receives a completed Personnel Action form. A Personnel Action form may not be “walked through” unless there is an emergency. It is equally important that personnel files be kept current. If an employee has their name changed for any purpose, a Personnel Action form needs to be completed to reflect that change and appropriate court documentation attached.

IV. STANDARDS OF CONDUCT

A. General Employee Conduct.

Employment with the RST carries with it a special obligation of trust that imposes responsibility to conserve and protect public resources, funds and materials and all employees are expected to conduct themselves in a manner reflective of integrity, honesty, impartiality, and professional behavior. During working hours, employees are expected to meet responsibilities such as regular and prompt attendance, expected productivity, appropriate work attire and appearance and a pleasant and cooperative demeanor with co-workers and the general public. All RST standards of conduct also apply when the employee is on travel for RST business. Other specific standards of conduct are an integral part of the RST policy and are set forth below. Violation of RST standards of conduct may result in disciplinary action up to and including termination.

B. Confidentiality.

Employees shall not disclose confidential information obtained by reason of their employment with the RST, nor use such information for their economic benefit or the economic benefit of any other person.

C. Political Activities and Participation on Committees, Boards and Commissions.

The RST encourages its employees to take an active interest in government and participate in political affairs and believes that all employees have the right to express their opinions on political issues and candidates. However, employees taking part in any political activity, commission, board or commission (with the exception of the Grievance Committee) during work hours must take leave w/o pay (as approved by their immediate supervisor) and may not use any of the RST’s resources for these purposes, including funds, personnel or equipment. Violations of this policy shall be cause for termination.

Employees who choose to run for any elected tribal office shall not be terminated from employment during the election process. However, an employee successfully elected to the position of Tribal President or Vice-President or to a Council Representation Office will be required to resign from employment immediately upon certification to office.

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D. Conflict of Interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in personal gain for the employee or for an immediate family member. When an employee is approached by others to use influence, or believes that personal relationships, interests, or business will bias the employee's influence or decisions on Tribal purchases, transactions, leasing arrangements, or other transactions, the employee is required to disclose this information to his/her immediate supervisor immediately.

1. **Outside Employment and Interests.** Outside employment, including non-paid participation on boards, committees, etc. is allowed only with prior approval of the employee's immediate supervisor. Work requirements, including overtime, will have precedence over any outside employment.
2. **Conflict with Tribal Duties.** Any tribal employee's private interest of a political or other nature which conflicts with or raises a reasonable question of conflict of interest with tribal duties shall not be permitted. It is the employee's responsibility to disclose any potential conflict to their immediate supervisor.

E. Dress, Grooming and Appearance Standards. Dress, grooming and personal hygiene contribute to the morale of all employees and affect the business image of the RST to clients and the public. Therefore, during business hours or when representing the RST, employees' dress, groom and personal hygiene should be appropriate for the work they do. The following modes of dress, grooming and appearance are expressly prohibited during working hours:

- halter and tube tops
- strapless sun dresses
- shirts with slogans or large-letter advertising
- shorts and skirts shorter than mid-thigh
- sweat suits/warm-up suits; sweat pants tank tops and muscle shirts
(unless approved for certain program activities)
- ripped, disheveled clothing
- extreme forms of hairstyle and makeup
- visible hickeys

The propriety of questions concerning modes of dress, grooming and appearance other than those listed above will be resolved by the employee's immediate supervisor. An employee may be asked to leave the workplace until properly dressed or groomed. Under such circumstances, the employee will not be compensated for the time away from work.

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F. Sexual Harassment Policy.

Sexual harassment is not tolerated at the RST. Sexual harassment is an infringement on the employee's right to a reasonable, comfortable work environment and is a form of misconduct that undermines the integrity of the employment relationship. Sexual harassment refers to any verbal or physical conduct that is offensive to the reasonable man or woman and will not be tolerated regardless of the perpetrator or target of the harassing behavior.

Sexual harassment includes, but is not limited to, repeated offensive sexual advances, request for sexual favors, the display of sexually suggestive pictures or objects in any workplace location including transmission or display via computer, and any other verbal or physical or written conduct of a sexual nature when submission to such conduct is made a term or condition of employment (either explicitly or implicitly), or is used as a basis for employment decisions, or such conduct interferes with work performance or creates an intimidating, hostile, or offensive working environment.

Any employee who believes he or she has been sexually harassed, or who has knowledge of this type of behavior, is urged to immediately report such conduct (either verbally or in writing) to their immediate supervisor who shall report the complaint to the Human Resources Director. If the complaint is against their immediate supervisor, the employee should, in the first instance, address the complaint to the Human Resources Director who shall report the complaint to the Tribal President. The complaint will receive prompt attention and investigation according to the RST Grievance Procedure and appropriate disciplinary action will be taken by the immediate supervisor, in consultation with the Human Resources Director and/or the Tribal President. Whenever practical, the identity of the harassed employee will be kept confidential but, due to the nature of a sexual harassment complaint and the ensuing investigative requirements, such confidentiality is not guaranteed.

No employee will be adversely affected in any term or condition of employment on account of bringing such a complaint, discussing it with RST managerial personnel, or cooperating in its investigation. No employee who brings a sexual harassment complaint shall be subjected to any punitive action by the RST. However, for the protection of an individual's reputation and career and the integrity of this policy and complaint procedure, disciplinary action up to and including termination will be imposed against any employee who knowingly files a frivolous complaint or who knowingly provides false information as determined by the Grievance Committee.

G. Workplace Smoking Policy.

The RST provides a smoke-free work environment to its employees. Smoking will not be permitted at any time in any place other than specifically designated areas. Smoking is also disallowed in RST owned vehicles. Employees who smoke must observe the same guidelines as non-smokers for the frequency and length of break periods. Violations of this policy may warrant disciplinary action as any other offense.

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H. Gambling Policy.

RST employees shall not participate in gambling activities, whether in person or on-line, during working hours, including lunch hour and breaks. "Reasonable" personal time for 'entertainment' (including gambling) is allowed while an employee is on RST approved travel but the employee is responsible for maintaining an appropriate image for the Tribe. Violation of this policy will result in immediate termination.

I. Anti-Violence in the Workplace Policy.

In order to ensure a safe environment for all employees, RST prohibits the wearing, transporting, storage, or presence of firearms or other dangerous weapons on RST property. Any employee in possession of a firearm or other dangerous weapon within tribal facilities/property or while otherwise fulfilling job responsibilities may face disciplinary action up to and including termination. Possession of a valid concealed weapons permit authorized by a state is not an exemption to this policy. To the extent allowed by law and appropriate authorization relative to job duties, RST prohibits visitors from carrying weapons in tribal facilities or on tribal property. Any violation of this policy may result in disciplinary action, up to and including termination.

J. Acceptable Use of RST Equipment and Property

Employees will not directly or indirectly use or allow the use of property, equipment, or supplies belonging to the RST for any purpose other than RST business, unless special and written permission for personal use is obtained from the employee's immediate supervisor. Further, no employee shall willfully alter, mutilate, abuse, or waste any property, equipment or supplies belonging to the RST. Any violation of this policy may result in disciplinary action, up to and including termination. Specific equipment usage guidelines are set out below and others may be found in the Property and Management Manual.

1. Telephones. RST telephones (including issued cell phones) are for business purposes only and personal calls are expected to be kept to a reasonable minimum and preferably during break periods or before/after work. Personal long-distance calls are not allowed on RST phone lines without supervisory approval and then will be charged to the employee. RST's fax machines are, likewise, for business purposes only and personal use is prohibited. Personal cell phones may not be used during work hours other than when the employee is on an approved break.

2. Internet. Use of the Internet is strictly intended for business purposes and must not be used for personal reasons or entertainment. Further, RST will not tolerate individual abuse through the accessing of chat rooms, pornographic, gambling or other inappropriate sites. Employees should be aware that Internet use is not private and may be monitored or retrieved by RST and employees waive any right to privacy in connection therewith.

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3. **Email/Mail.** All material received by the RST or generated during work hours by an employee is considered RST business and may be opened and inspected at any time. This includes regular mail or any kind of electronic transmission. An employee who sends or receives a personal message of any kind should be aware that it will not be considered a personal, confidential message of the employee.

4. **Audio or Video Taping.** Audio tape machines or video recorders may not be used by either management or employees without the consent of all individuals being taped or recorded.

K. Solicitation and Distribution.

Soliciting or collecting money from one employee by another is prohibited while either employee is on work time. Distributing literature and circulating petitions at the RST is also prohibited during work hours.

L. Drug- and Alcohol-Free Workplace Policy.

1. **Policy.** The RST is a drug and alcohol-free workplace and prohibits impairment during working hours. Employees are expected to report to work in a state of mind and physical condition that will allow them to perform their assigned duties in a safe and competent manner. If an employee comes to work under the influence of drugs or alcohol or possesses, uses, manufactures or sells drugs or alcohol during work time (including breaks and within personal vehicles parked on RST property), the employee will be subject to disciplinary action including termination pursuant to the RST's discipline and dismissal procedures. The RST may discipline employees based on information obtained through testing or based on credible information from any source. This policy applies to all RST employees (including political appointees).

2. **Employee Training and Acknowledgment of Policy.** The Tribe will provide training on this policy during orientation as arranged either by the Human Resources Department or, if contracted out, by the contract entity. All RST employees are required to sign an acknowledgment that they fully understand they are employed in a Drug- and Alcohol-Free Workplace. This form will be retained in the individual's personnel file.

3. **Employee Responsibilities.**

a. **Each Employee's Responsibility.** The RST encourages employees who may have a problem with alcohol or other substance abuse to seek voluntary rehabilitation. This step is available to employees through the Employee Assistance Program (EAP) as well as other referral sources. While at work (including breaks), employees shall not be in an impaired condition.

b. **Prescription Drug Use.** Employees who are using prescription drugs have the responsibility to self-report this usage to their immediate supervisor if such usage might result in impairment of any sort.

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c. **Refusal to Test.** It is a violation of this policy for an employee to refuse a substance screening ordered by a supervisor. Refusal to Test also includes, but is not limited to, failure to provide a sample and failure to appear for testing. The RST will treat any Refusal to Test as insubordination and as a positive test, which may result in disciplinary action up to and including termination.

d. **Tampering.** It is a violation of this policy for an employee to tamper with or attempt to tamper with any screening specimen. Any tampering may result in disciplinary action, up to and including termination.

e. **On Call and Off Duty Employees.** Employees paid to be “on call” may not consume alcohol or use illegal substances during “on call” hours. Whether off duty or “on call”, it is the employee’s responsibility if called back to work to advise the supervisor if the employee reasonably believes he/she would violate RST’s Drug and Alcohol-Free Workplace Policy by reporting for work. It is a violation of this policy to return to work in an impaired condition or to fail to advise the supervisor of the employee’s impaired condition.

f. **Reporting of Criminal Drug and Alcohol Conviction/Charges Required.** Any employee charged with or convicted of a crime involving drugs or alcohol shall report the charge or conviction to his or her immediate supervisor, in writing, within five (5) days of the conviction or receipt of a copy of a charge. Failure to report a conviction, receipt of a charge, or the disposition of a charge is a violation of this policy. The supervisor will evaluate each drug or alcohol conviction for job-relatedness and impact to the employee’s essential job functions and determine appropriate discipline.

g. **Responsibility of Co-Workers.** When an employee observes or has reasonable grounds to believe that another employee is impaired during working hours or engaging in activities during working hours involving an intoxicant prohibited by this policy, the employee shall immediately report such activity to their immediate supervisor or the Human Resources Director.

4. **Supervisor’s Responsibilities.** It is the responsibility of all Directors to understand and comply with the RST Drug and Alcohol-Free Workplace Policy in its entirety. Supervisors are responsible for knowing which job classifications the RST designates as ‘safety sensitive positions’ for their work area and to ensure that employees are referred for appropriate substance screening. All Directors must complete required training on an annual basis, as arranged and scheduled by the Human Resources Director.

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5. **Substance Screening Process.** The RST reserves the right to conduct regular testing. Upon notification that a drug test is to be administered, the employee must immediately leave the job site and comply with the test. An employee has the right to refuse testing but such refusal will result in immediate disciplinary action up to and including termination. Any or all of the following testing options apply:

a. Pre-employment Testing All prospective employees must submit to the drug testing policy but will only be asked to submit to a test once a conditional offer of employment has been extended and accepted. Any final offer of employment by the RST is conditioned on the prospective employee testing negative for illegal substances. No prospective employee may begin work until test results are received by the Human Resources Director. If the tests are positive, the applicant will be refused employment and may not reapply for an RST position for at least sixty (60) days.

b. Post-Accident Testing. All RST employees involved in any workplace traffic accident (either on or off the Reservation) involving an RST-owned vehicle must be tested for drugs and alcohol. Post-accident testing will be conducted as soon as possible after such accident and the driver must remain available for testing or they may be considered as 'refusal to test'. If an employee has been criminally charged with driving under the influence of drugs or alcohol, whether on or off work, and the employee's position requires driving a tribal vehicle or operating heavy equipment, the employee's driving privileges shall be revoked until such a time as any charges are either withdrawn, dismissed or the employee is found not guilty. The inability of the employee to regain a valid driver's license may result in termination of employment.

c. Random-Testing. Employees are subject to random drug and/or alcohol testing at least once a year or as required in the discretion of the Director. Such testing shall be arranged by the Human Resources Director. Employees whose positions require them to perform safety sensitive duties and/or require a commercial driver's license may be subject to random drug testing at a higher incidence than other employees.

d. Reasonable Suspicion Testing/Searches. Directors may require employee testing if they have reason to believe an employee is under the influence during working hours. 'Reasonable Suspicion of Impairment' includes but is not limited to: bloodshot eyes, lack of coordination, odor of an alcoholic beverage, erratic behavior, unexplained significant deterioration in job performance, unexplained or excessive absenteeism and reasonably reliable reports by other employees. Supervisors are required to document all observations and information that create "Reasonable Suspicion" that the employee is impaired. The RST also reserves the right to search an employee's person, work area or personal property upon

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'reasonable suspicion' that the employee is violation of policy. No Director may report an RST employee on the basis of 'reasonable suspicion' unless such Director has attended required training.

e. Return to Duty and Follow-up Testing. When an employee has violated the RST Drug- and Alcohol-Free Workplace Policy, testing will be conducted prior to allowing return to work. If an employee is allowed re-entry into their position, a minimum of six (6) follow-up tests will be conducted over the first 12-months of reinstatement and frequent follow-up testing may continue for a period of at least two (2) years. Tests are unannounced and a confirmed positive, including 'refusal test', will subject the employee to disciplinary action up to and including termination.

6. Testing Procedures/Standards. Any test for drug or alcohol abuse will be conducted using reasonable procedural safeguards along with confidential reporting to the employee's immediate supervisor and the Human Resources Director. Testing results will be made available to the employee or applicant.

7. Consequences of Policy Infractions. Any employee whose alcohol or drug test is positive or who refuses to have the test administered is considered in violation of the RST Drug- and Alcohol-Free Workplace Policy. Any or all of the following steps may be taken by the RST.

a. Positive Tests by Employees who are not "Regular RST Employees".
Immediate termination.

b. Initial Positive Test for Regular RST Employees.

(1) Upon receipt of positive test results, there shall be an immediate fifteen (15) day suspension without pay and without eligibility for use of accrued sick or annual leave for this period.

(2) the Employee is required to schedule a mandatory assessment/counseling within fifteen (15) days after onset of the suspension or the suspension will be revoked and a termination will be effected. Any cost of participation in an RST designated assessment/counseling program shall be borne by the employee. Depending on the outcome of the assessment, the agency (including the RST Employee's Assistance Program (EAP)) shall, with the consent of the employee, communicate 'recommendations' to the employee's immediate supervisor and the Human Resources Director. If the employee declines to sign a 'release of information' agreement authorizing release of the assessment to the immediate supervisor, the employee shall be terminated.

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(3) If medically advised during an extended treatment period, up to an additional thirty (30) days if leave may be allowed, at the discretion of the employee's immediate supervisor. Accrued sick and/or annual leave may be used by the employee for this extended treatment period. If positive test results are obtained during this period, the employee's immediate supervisor will be notified by the treatment facility and the employee will be immediately terminated. The 'release of information' agreement shall cover the release of positive test results during this extended treatment period as well as the mandatory assessment results per (2) above.

c. Second Positive Test for Regular RST Employees.

If a second positive test occurs within a two (2) year period of the first positive test, the employee will be immediately terminated.

8. Managerial Training. The Human Resources Director is responsible for ensuring that all employees are trained in this drug and alcohol policy. Directors must participate at least annually in required training in order to ensure compliance with all RST drug and alcohol policies. Failure to comply with this management requirement will result in disciplinary action up to and including termination.

9. Challenging Procedures. Should the employee reasonably question the validity of any testing procedure, he/she must submit such request in writing and within three (3) days of receipt of the results of the disputed test to the Human Resources Director. The Human Resources Director may confer with the employee's immediate supervisor whether or not to approve a re-test. If approved, the testing will be performed at the employee's expense and the employee must pre-pay for the test before the test will be scheduled. Re-testing will not be approved routinely but only when circumstances and facts seem to warrant such a measure and only if the same sample can be used. Disciplinary consequences of the initial positive test will not be modified unless and until the initial result is shown to be incorrect.

V. PAY AND WORK PRACTICES.

A. Check Distribution and Pay Periods.

All employees are paid on a bi-weekly basis (26 pay periods), unless contract specifications require a different pay schedule. A pay period is eighty (80) working hours. All wages/salary scales are established by Tribal Council (or the appropriate committee) and are subject to the appropriate contract budget.

1. Pay Period. A pay period is eighty (80) working hours unless specified differently by contract.

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2. **Payroll Deductions.** Each employee receives a statement which itemizes the gross pay, allowable federal and state tax withholding(s), and any individually-authorized deductions such as loan payments, rent, etc. No more than 50% of the employee's gross pay may be earmarked for deductions. If an employee resigns or is terminated, all applicable deductions will be taken out of their final paycheck or annual leave payment.

3. **Paycheck Errors.** Any employee who believes there is an error on their paycheck must report it to the Payroll Manager prior to the receipt of their next paycheck.

B. Overtime/Compensatory Time.

Non-exempt employees earn overtime in accordance with pertinent provisions of the Fair Labor Standards Act (FLSA) but overtime compensation is modified to meet tribal and departmental budgetary limitations. Non-exempt employees working more than their regular work week will be credited time and one-half for hours worked in excess of forty (40) hours in any work week. This compensation may be as additional salary (providing program funds are available) or, alternatively, awarded as compensatory time (when budgeted overtime is not available). Each work week (generally, Thursday through Wednesday but may vary as approved for departments who have established their own pay practices) stands alone and time may not be averaged over any different time period. Time away from work on paid leave (annual leave, sick leave, holidays, or other paid leave) will not be counted as hours worked in the calculation of time and one-half overtime/compensatory time for that work week. Overtime must be authorized in advance by the employee's immediate supervisor and so noted on the timesheet. As a general philosophy, the RST wishes to minimize the amount of overtime worked by its employees and any and all overtime/compensatory time must be approved in advance by the immediate Supervisor.

1. **Compensatory Time (Non-Exempt Employees).** If overtime work is required of a non-exempt employee (including work on an officially designated leave day) and no funds are available under the program contract, compensatory time may be awarded for non-exempt staff at the same time and one-half equivalent. Compensatory time shall be used as soon as possible, but no later than the end of second pay period following the pay period in which it was earned. Such compensatory time off must be at a mutually acceptable time for employee and supervisor. In no instance can compensatory time exceed an accrued ceiling of eighty (80) hours and if the compensatory time off cannot be taken within the established time frame, it will be forfeited.

2. **Exempt Staff.** Directors are considered exempt employees and therefore ineligible for overtime/compensatory time for any hours in excess of forty (40) hrs/week required by their position responsibilities.

3. **Travel/Training Time.** If non-exempt employees are required to spend time in travel status and in attending training sessions as part of their job requirements, they may claim only their regularly scheduled hours while on such approved travel/training. If an

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employee is drawing per diem for approved travel, they are not eligible for any overtime/compensatory time with the exception that, if approved travel time falls on a weekend, the employee may claim their first day of travel as overtime/compensatory time.

4. Overtime/Compensatory Time Upon Termination of Employment. Upon termination of employment, accrued overtime will only be reimbursed if paid overtime is allowed, in general, by the applicable program. Accrued, but un-used, compensatory time will not be reimbursed.

5. Rotating Shift and 24/7 Departments. Rotating shift and 24/7 Departments may adopt special schedules that specifically define when overtime/compensatory pay starts within a period. Such schedules must be approved in advance by the Human Resources Director who shall recommend approval/disapproval to the Tribal Council. Any accrued compensatory time must be used within the same RST fiscal year of it will be deemed forfeited.

C. Timesheets.

Timesheets for Directors must be signed by the Tribal President or his/her designee. Timesheets for all other employees must be signed by the employee's immediate supervisor and any deviations from normally scheduled work times must be initialed. Timesheets must be submitted according to the accounting schedule of the Finance Office. A copy of the timesheet will be given to the Human Resources Department so leave may be verified and recorded.

D. Work Day/Week.

1. Regular Schedule. A normal workday falls between the hours of 8:00 am and 5:00 pm. Employees are expected to work a full eight (8) hours/day. The RST work week is calculated from Thursday through Wednesday. Rotating shift and 24/7 Departments may deviate from the normal workday/week policy by adopting a special work schedule approved by the Human Resources Director who shall recommend approval/disapproval to the Tribal Council.

2. Flex-Time w/n the Same Pay Period. In special instances (e.g. extraordinary family care requirements, required evening meetings), employees, both exempt and non-exempt, may request up to a two (2) hour variation in the normal workday. Employees must obtain approval for flex-time before taking the time and such approval does not extend for longer than one pay period. For non-exempt employees, pre-approval must be obtained from their immediate supervisor with the concurrence of the Human Resources Director. For exempt employees, pre-approval must be obtained from the Tribal President and reported to the Human Resources Director.

E. Lunch and Breaks.

Employees receive one unpaid hour off for lunch, usually from 12:00 pm to 1:00 pm.

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Employees should check with their supervisor to deviate from this time and supervisors retain the right to request a different schedule in order to provide adequate coverage for their Department. Employees may take two fifteen-minute paid breaks each day - one in the morning and one in the afternoon. Rotating shift and 24/7 Departments may deviate from the normal lunch/break schedule, as required by the duties of the Department.

F. Attendance/Punctuality.

A 'grace period' of five minutes past the employee's scheduled arrival time is allowed. If an employee is going to be absent or late (past the 'grace period'), the supervisor must be notified within one hour of the scheduled arrival time. No one may call in for the employee unless it is an extreme emergency. Employees who are tardy in excess of the 'grace period' will be docked annual leave in quarter hour increments. (For example: an employee will forfeit a quarter hour annual leave for late arrival of six (6) minutes; a late arrival of sixteen (16) minutes will require a forfeiture of one-half hour of annual leave; and so forth.) Employees may not clock out earlier than 5:00 pm unless authorized to do so by their supervisor. Late slips shall be completed for any occurrence relative to tardiness and/or early departure. Employees who are repeatedly late for work or who otherwise work less than the required amount of time are subject to disciplinary action up to and including termination. Employees failing to call in will be placed on "Absent w/o Approval" status.

1. Time Clock Requirements. All tribal employees are required to clock in both their arrival and departure times. Time clocks are not punched for lunch or break periods but no employee shall work through their lunch period and add this time to hours worked without prior written approval from their immediate supervisor for each occurrence. Absolutely no one may punch a time card in or out for another employee under any circumstances and violation of this policy may be grounds for disciplinary action, up to and including termination. Any employee or employee group exempt from time clock requirements (i.e. shift status employees and community station base field workers who are not near a time clock) must be approved in writing by the Tribal President with such exemption filed in both the Finance Office and the Human Resources Department. If an employee has been granted approved 'flex-time' appropriate notations are to be made on the time card.

2. Absent w/o Approval. The RST believes it offers a variety of generous leave options that are workable for its employees. Therefore, excessive and unplanned leave - whether accrued or on leave w/o pay status - may render the employee subject to disciplinary action up to and including termination. Unless there are exceptional extenuating circumstances, an employee's failure to inform their immediate supervisor of their reason for absence may be construed as job abandonment and a voluntary resignation.

3. Other pay practices are set forth according to the accounting schedule established by the Finance Office.

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VI. EMPLOYEE BENEFITS.

A. **Holidays.** The following holidays are designated by the RST Tribal Council as paid leave for all employees in tribal service:

New Year's Day (January 1st)
Martin Luther King Day (Monday following January 15th)
President's Day (as designated by RST President)
Memorial Day (as designated by RST President)
Tribal Elder Day (4th Saturday in May)
Indian Day (June 25th)
Independence Day (July 4th)
Rosebud Fair (1st day of Fair, as designated)
Labor Day (1st Monday in September)
Native American Day (October 12th)
Veteran's Day (November 11th)
Thanksgiving Day (4th Thursday and Friday in November)
Christmas Day (December 25th)
Any other day as designated by the RST President

Those holidays falling on Saturday will be observed on the Friday preceding. Those falling on Sunday will be observed the following Monday.

1. Non-Exempt Employee Required Work on Holiday. Any non-exempt employee who is required to work on a designated holiday will, normally, be allowed to take another day off at the discretion of the immediate supervisor. If another day is granted as compensatory time, it must be used as soon as possible, but no later than the end of the pay period following the pay period in which it was earned.

2. Eligibility for Holiday Pay When on Leave Status. In order to receive pay for a recognized holiday, an employee must be on approved "paid leave" (sick/annual) status on any workday immediately preceding and following the holiday.

- **Part-time and Temporary Employees Pro-Rata Pay.** Regular part-time employees are paid for holidays in proportion to the number of hours normally worked each day. Temporary full- or part-time employees will be paid for any holiday that falls within their hire period in proportion to hours normally worked.

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B. Annual Leave. Regular full-time and part-time employees are granted annual leave in accordance with the guidelines established below:

1. Accrual Chart.

	<u>Full-Time</u>	<u>Part-Time</u>
Year 1 through Year 3	4 hours/pay period	2 hours/pay period
Year 4 through Year 10	6 hours/pay period	3 hours/pay period
Year 10+	8 hours/pay period	4 hours/pay period

2. Calculation of Years of Service. It is the responsibility of the employee to timely notify their immediate supervisor if they believe themselves to be eligible for a change in annual leave accrual status. The employee's immediate supervisor, in consultation with the Human Resources Department, will calculate 'years of service' based on each year of employment and will notify Payroll of the change in accrual. 'Years of service' are calculated by cumulating years of employment in a particular program. These reporting procedures may be changed by the Human Resources Director as changes in circumstances warrant, such as the development of improved payroll software.

3. Policies Related to Accrual and Use of Annual Leave.

a. Regular part-time employees who work at least twenty (20) hours/week are entitled to accrue annual leave on a pro-rata basis (see Accrual Chart above). Part-time employees working less than twenty (20) hours/week and temporary employees do not earn paid annual leave.

b. Non-accrual Periods. Annual leave is not earned while an employee is on any leave w/o pay or absent w/o leave status.

c. Any new or terminating employee who begins or ends their employment during any fractional part of the pay period will have leave pro-rated accordingly. New employees will have leave accrued as of date-of-hire but cannot use any accrued leave in the first ninety (90) days of employment.

d. Annual Leave Ceiling. The maximum of one hundred and sixty (160) hours of annual leave is allowed to be carried from one fiscal year to the next year. Any annual leave above the limit of 160 hours of carry over at the beginning of the fiscal year will be forfeited (No Waivers shall be granted).

e. Pay-Out on Separation from Employment. Upon separation from employment, the employee will be paid for any accrued, but unused, annual leave at their current rate. An employee who terminates employment during any fractional part of the pay period will have leave pro-rated accordingly. Payout is subject to any debts owed to the Tribe, payroll deductions approved and signed by the employee, and availability of funds based on contractual/grant budget

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limitations. Upon the death of an employee, all compensation and benefits due will be calculated and paid to the personal representative of the deceased employee's estate, as designated in writing by the employee. It is the employee's responsibility to complete a 'personal representative designation' form and keep it current.

f. Advance of Leave. Under no circumstances, will annual leave be advanced to the employee. If an employee is absent from work in excess of their accrued annual leave within any pay period, an adjustment will be made to their paycheck. No employee will be allowed to apply "future" accrued leave to this deficit.

g. Substitution for Sick Leave. No allowance will be made for sickness or other compensable type of absence occurring during a scheduled annual leave period. If annual leave is exhausted, the employee may not use sick leave without certification of illness from a physician or medicine man.

C. Sick Leave. All regular full-time employees earn four (4) hours of sick leave per pay period. Regular part-time employees, who work twenty (20) hours/week or more earn sick leave on a pro-rata basis. When periods of illness exceed twenty-four (24) hours within a pay period, further use of sick leave requires a certification of illness from a physician or medicine man. Sick leave claims not properly substantiated will be disallowed.

1. Notification Requirements. An employee (or his/her designee) must report all absences due to illness to his/her immediate supervisor on the first day of the illness.

2. Validation. Sick leave is subject to approval by the employee's immediate supervisor and may be used when an employee is incapacitated by sickness or injury, for medical, dental, optical diagnoses, counseling or treatment or when an employee's attendance jeopardizes the health of others. Sick leave may also be used to care for the below listed members of the employee's family:

Father or Mother (including step)
Husband or Wife or Common-Law Relationship
Son or Daughter (including step or adopted)
Grandparents, Grandchildren

3. No Pay-Out for Accrued Sick Leave. There is no ceiling imposed on sick leave. However, upon separation from employment, there is no pay-out for any accrued but unused sick leave.

4. Non-accrual Periods. Sick leave is not earned while an employee is on any leave w/o pay or absent w/o leave status.

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5. Prorated Sick Leave. Any new employee who begins or ends their employment during any fractional part of the pay period will have sick leave pro-rated accordingly. However, new employees cannot use any accrued sick leave in the first ninety (90) days of employment without a physician's statement that such leave is necessary.

D. Bereavement Leave.

Regular full-time employees who have a death of a family member (listed below) will be awarded up to three (3) days of bereavement leave for each death. At the discretion of the employee's immediate supervisor, an additional two (2) days may be awarded for special circumstances.

Father or Mother (including step)
Husband or Wife or Common-Law Relationships
Brother or Sister (including step or half)
Son or Daughter (including step or adopted)
Grandparents, Grandchildren
Hunka Relationships

Bereavement leave for other 1st degree family members (listed below) may be granted by the employee's immediate Supervisor, with the concurrence of the Human Resources Director:

Uncle, Aunt, Nephew, Niece
Father-in-law, Mother-in-law
Brother-in-law, Sister-in-law
Cousin

Employees wishing to take bereavement leave for any death other than for family members listed above will be required to use annual leave.

Up to eight (8) hours of bereavement leave, or a longer period of time as authorized by the employee's immediate supervisor, with the concurrence of the Human Resources Director, will be granted for employees serving as an active pallbearer, cook, color guard, or clergy in any single occurrence. Appropriate documentation may be required by the supervisor or Human Resources Director as appropriate.

E. Cultural and Religious Observance Leave.

The RST shall make reasonable accommodations for a regular full-time employee to attend cultural and religious observances. Except as set forth in section 3 below, a request must be put in writing, and approved by the employee's immediate supervisor with the concurrence of the Human Resources Director.

1. An employee may be granted up to four (4) working days of leave/year if he/she is a participant of a sun dance or vision quest or other religious observance. Additional leave

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may be granted by the employee's immediate supervisor but must be taken as annual leave.

2. An employee who serves as a 'supporter' of a sun dance, vision quest or other religious observance may be granted up to three (3) working days of leave/year if the employee has been officially assigned to provide support as: cook, grounds keeper, cedar keeper, fire keeper or security. Verification of assignment must be in writing from the Spiritual Leader.
3. Employees who are members of the Sicangu Lakota Warriors or any other Veterans Organizations may be granted appropriate administrative leave for participation in funerals, pow-wows, graduations, memorials and all other such events on and off the RST reservation. Such leave is granted at the discretion of the Tribal President or his/her designee pursuant to a written request of the employee seeking such leave.
4. Up to four (4) working days of religious observance leave (per year) may be authorized for other regular employees at the discretion of their immediate supervisor.

F. Jury Duty.

Regular full-time employees who are required to fulfill court-ordered (Tribal, Federal, State, district, municipal or other local court) jury duty are eligible for full pay during the entire period required for jury duty or court witness appearances. Notification must be given to the employee's immediate supervisor in accordance with the following:

1. The employee must submit to his/her immediate supervisor the formal notice of required appearance and a copy of this document must be attached to the employee's time sheet(s) for this period of absence.
2. Regular part-time employees are eligible for up to two (2) weeks paid jury or witness duty in proportion to the number of hours normally worked each day. Temporary full-time or part-time employees may take time off for required jury or witness duty but will not be paid for this time away from work.
3. Employees involved in any other court related matter other than court-ordered jury will be required to take annual leave to meet that obligation.

G. Election Day Leave.

Any regular full-time employee who is registered to vote on any official election day (tribal, county, state, federal, school board) will be given up to two hours off work (with pay) in which to vote. The determination of which two hours to be taken will be made by the employee's immediate supervisor in order to assure adequate staffing of the offices.

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H. Military Leave of Absence.

A military leave of absence will be granted to employees who are absent from work because of required service in the United States uniformed services or the Public Health Service. Such leave is henceforth referred to as "military furlough", where the employee is excused from their tribal functions for such periods as they remain on active duty. A two (2) week advance notice of service is required, unless necessity prevents such notice or it is otherwise impossible or unreasonable. Substantiating documentation of such service must be made in writing to the employee's immediate supervisor who will, in turn, notify the Human Resources Director. Any ensuring absence (failure to report to work) due to military order or induction without such written and documented request or a showing as to why there are extenuating circumstances beyond the control of the employee, will be determined to be a resignation by the employee and will result in termination of employment.

Employees on properly authorized military furlough are entitled to restoration of employment within ninety (90) days of release from service or discharge from hospitalization related to such service. Appropriate written documentation of release must be provided upon application for reinstatement for employment to the Human Resources Director. Though the RST will be as accommodating as possible to an employee returning from a "military furlough", the employee is not automatically entitled to their previous position or same pay range. Any accrued annual leave will be paid to the employee on 'military furlough' at the effective time of their last day of tribal service. Any accrued sick leave will be frozen at the time of their induction but will be restored at accrued levels if the individual is re-employed with the Tribe within ninety days of release from service.

I. Educational Leave.

After ninety (90) calendar days of employment, regular full-time employees may be granted education leave to attend classes only at Sinte Gleska University and Oglala Lakota College (OLC) for courses related to tribal employment, under the following conditions:

1. Educational leave requests must be submitted in writing to the employee's immediate supervisor and approved by the supervisor with a copy forwarded to the RST Human Resources Director. Authorization for such educational leave rests solely with the immediate supervisor and is contingent upon whether or not the employee can be spared without detriment to work requirements.
2. Authorized education leave will be limited to 160 hours per college school year but not to exceed six (6) hours per week. Within this limit, the employee will be paid his/her normal salary, including annual and sick leave accruals (depending on grant/contract guidelines governing the employee's position).
3. Verification of class attendance is required to be attached to time and attendance reports.

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4. A certification of course completion is required. A record of completion will be retained by the Human Resources Department and may be considered in determining authorization of any future employee requests for educational leave.

J. Administrative Leave.

Paid administrative leave may be granted at the discretion of the Tribal President, or his/her designee, subject to approval by the employee's immediate supervisor (taking into consideration whether the employee(s) can be spared without detriment to the Department). If an employee is required to work on an Administrative Leave day, overtime/compensatory time will not be paid for such additional work. Paid Administrative Leave may be granted for the following reasons:

1. Employment-required physical examinations. Leave shall not exceed four (4) hours.
2. Physical examinations as required for military induction. Leave shall not exceed three (3) working days.
3. Inclement weather conditions as declared by the Tribal President (in writing). At the discretion of the employee's immediate supervisor, forbearance might extend to unavoidable absences, early release from work, or weather-related tardiness but such forbearance must be extended to all similarly affected employees without prejudice by the employee's immediate supervisor.
4. Blood donation to the American Red Cross in emergencies. Leave shall not exceed four (4) hours and is granted only if the individual does not receive pay for blood.
5. Participation in public activities, not to exceed two (2) working days in duration.
6. Participation in emergency rescues under the same provisions as (e), above.
7. Hardships imposed by building conditions as declared by the Tribal President, in writing.
8. Parent/teacher classroom-related conferences and/or school activities that take place during an employee's normal work hours. Time off is limited to two (2) hours per school quarter per child and for in-school activities only.
9. Witness subpoena, as court-ordered and job-related.
10. Additional leave as recommended by the Employee Assistance Program (EAP) and in consultation with the employee's immediate supervisor and the Human Resources Director.

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11. Other reasons, at the discretion of the Tribal President, except that administrative leave granted to individuals shall not exceed four (4) working days per year for any one employee.

K. Family Leave of Absence.

1. Maternity Leave. Maternity leave shall be treated as any other short-term disability and applicable leave restrictions apply as follows:

- five (5) paid days will be awarded at birth of child;
- up to four (4) weeks of leave allowed to be used in this order:
sick, annual, leave w/o pay.

An employee who becomes pregnant may continue to work until such time as she can no longer satisfactorily perform her duties or her physical condition is such that her continued employment may be injurious to her health. If the employee incurs medical complications (as certified by her doctor) that preclude her ability to work during the pregnancy, the employee's immediate supervisor may award up to an additional five (5) days of paid leave for pre-birth complications. The employee's position may be filled on a temporary basis during the absence.

2. Breast feeding Leave. The RST supports employees in their decision to continue breast feeding during work hours as an effort to recognize "the traditional method of feeding infants" and to encourage working mothers to avoid premature weaning. Formula fed babies are not included in this policy.

A breast feeding mother may bring her infant to work up to the age of four (4) months. After the infant reaches that age, other child care arrangements must be made. The infant will be allowed in staff offices. If the mother does not wish to bring her baby to work, equivalent time will be provided for the nursing mother to pump during work hours. A satisfactory schedule for breast feeding or pumping must be worked out with the employee's immediate supervisor.

The employee who plans to breast-feed at work, must give a written notification of their intention to do so to their immediate supervisor before leaving on maternity leave. A 'Release of Liability' form must also be signed. The employee is responsible for their own transportation to work and infant car seat laws must be followed. The employee must also provide any equipment needed such as an infant seat or baby carrier.

This policy does not preclude the need for the employee to continue to perform their job responsibilities and maintain a satisfactory level of performance. The employee's immediate supervisor shall have the option to deny or terminate the breast feeding/pumping arrangement at any time if work performance suffers or if any disruption is caused at the work site and a reasonable accommodation cannot be made.

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3. **Paternity Leave.** Paternity leave shall be granted not to exceed three working days before or after the expected birth.

4. **Adoption Leave.** Adoption leave shall be granted to both adopting parents not to exceed three working days after the child has been approved and is received into the adopting parents' home.

L. Leave of Absence w/o Pay for Family and/or Medical Purposes.

A medical or family leave of absence w/o pay is intended as a response to serious personal needs. An employee may be granted such leave in accordance with the following policies:

1. **Eligibility.** Such leave is available only to regular full-time employees who have completed at least ninety (90) working days of service.

2. **Duration.** An eligible employee may request up to three (3) months of leave w/o pay for family and/or medical leave purposes during any 12-month period. If granted, the employee must first use any accrued annual and sick leave. Approved leave for family and/or medical leave purposes only will not result in separation of employment from tribal service. However, if an employee fails to return to work at the expiration of their approved family and/or medical leave, such absence will be deemed to be an automatic resignation.

3. **Procedure.** The employee must submit a request, in writing, to their immediate supervisor at least three (3) weeks prior to the expected date of the beginning of the period of absence. Requests for leave without pay status are evaluated based on a number of factors. These include anticipated operational requirements and staffing considerations during the proposed period of absence and frequency of such requests. The terms of the agreement and conditions of the effective date will be negotiated between the employee, the employee's immediate supervisor, and the Human Resources Director. Appropriate documentation may be requested from the employee. The award of such leave is strictly discretionary by the employee's immediate supervisor with concurrence by the Human Resources Director.

4. **Continuation of Benefits.** Benefit accruals (such as sick leave, annual leave, and holiday pay) will not be earned during the period of leave without pay and service time for salary increases, increased earnings of annual leave or any other service benefit will not be accredited.

M. Leave w/o Pay for Other than Family or Medical Purposes. If an employee requests leave w/o pay for any other employment purpose (consultant work, etc.) they must follow procedures set forth in L, above. However, for this purpose, such leave request must also be approved by the Tribal President.

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N. Employee Assistance Program (EAP).

An Employee Assistance Program (EAP) is a referral and counseling service available to assist staff in dealing with the range of personal problems which might have an impact upon their working lives. EAP services are available to all regular full-time and regular part-time RST employees and their dependents. Services are also available to individuals living within the same household of a covered staff member. Employees may self-refer to the EAP program by contacting the EAP directly. All services are at the employee's own expense.

At a supervisor's discretion, EAP counseling sessions may also be recommended to an employee who is experiencing difficulty with job performance by reminding the employee of the availability of the EAP. An employee's use of the EAP program may not exceed four (4) sessions of assessment and counseling free of charge per person, per incident unless that time frame is specifically extended by the EAP Director and, in the case of a supervisory referral, also authorized by the employee's supervisor. Either approved sick or annual leave may be used for the use of the EAP program. The service is confidential, but employee's will be required to sign a 'release of information' authorizing the release of treatment recommendations that might require the employee to take time off from work. The "release of information" shall be provided to the immediate supervisor, the Human Resources Director, and the Tribal President. At the request of the immediate supervisor, the Human Resources Director, or the Tribal President, the EAP shall consult with one or more of these parties concerning the treatment recommendations but only as they relate to a request for work hour or leave considerations. Additional leave, up to a maximum of forty (40) hours/year, may be authorized by the immediate supervisor in consultation with the Human Resources Director with the concurrence of the Tribal President. Records will not be kept in the employee's personnel file except to document a condition of employment referral or recommendation for time-off. Participation in this program shall not be grounds for job termination.

O. Employee Recognition Program.

From time to time, a program Director may exercise and recognize regular full-time employees with various certificates and awards for completion of employment training or achievements in a tribal program. Such recognition must be conducted in a manner that is fair and equitable to all department employees. Cash awards for recognition may be permitted based on availability of resources to the program. If awarded, cash awards shall not exceed two (2) per year to the same person as set forth in the following schedule:

<u>Accrued Service in Awarding Program</u>	<u>Up to</u>
1 to 5 years	\$200 (net)
5 to 10 years	\$300 (net)
10 to 20 years	\$400 (net)
20 years +	\$500 (net)

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If an individual receiving a cash reward is employed in more than one tribal program, they may only receive the award from the program by which they are employed under on a full-time basis.

P. Social Security.

All employees are covered under the provisions of the Social Security Act.

Q. Workers Compensation/Unemployment Insurance.

The RST pays premiums for Workers Compensation Insurance and Unemployment Insurance. All accidents shall be reported immediately after the event to the employee's immediate supervisor.

R. Fringe Benefits.

The RST offers other fringe benefits for tribal employees (i.e. 401(k), life insurance). See the Human Resources Department for information and eligibility requirements for these benefits.

VII. DISCIPLINARY AND TERMINATION POLICIES.

A. Cause for Disciplinary Action - The following violations of employee rules of conduct will be considered as major and serious violations of RST policy. This list is not all-inclusive. Other situations for disciplinary action are included throughout the Policies and Procedures Manual:

1. Inability to perform duties satisfactorily.
2. Insubordination, misconduct or gross neglect of duty or refusal to comply with lawful instructions and breach of chain of command by employees. Sleeping on duty, other than authorized by employee's immediate supervisor relative to safety purposes.
3. Possession, sale or use of alcohol or illegal drugs or reporting to work under the influence of alcohol or illegal drugs. Also see Drug and Alcohol-Free Workplace Policy.
4. Conviction of a felony or embezzlement while in the employment of the RST. Breach of trust while in the employment of the RST, including theft or dishonest acts, or knowledge of dishonest acts or inducement or attempting to induce any other employee in the service of the Tribe to commit an unlawful or dishonest act during work hours.
5. Using or threatening to use personal or political influence in an effort to secure special consideration as a tribal employee.
6. Excessive unscheduled absenteeism or tardiness; failure to abide by time clock procedures; failure to honor normal work-hour requirements. Failure to report to work, after an approved absence, with required documentation.
7. Harassment, intimidation, using offensive language or, generally, being discourteous to another employee, tribal official or the general public.

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8. Deliberate or careless conduct that endangers the safety of others; violation of any RST safety rule.
9. Altering, damaging, or destroying RST property or records, or another employee's property.
10. Violation of the RST sexual harassment policy.
11. Willful misuse or unauthorized use of RST or GSA vehicles for other than official RST business or travel. Use of such vehicles for personal transportation between employee's home and place of employment without specific authorization from the Director and Tribal President.
12. Violation of any government contract requirements that would jeopardize continued receipt of such contract by the Tribe.
13. Solicitation of contributions on RST time or premises without authorization from the Director. Participation in political activities or use of RST's equipment or premises without authorization from the proper authority.
14. Willful misuse or unauthorized use of RST electronic equipment such as but not limited to, cell phone, internet, etc.
15. Illegal conduct off the job that has concluded or might conclude in a felony conviction or that is of such a nature as to pose safety concerns for other RST employees or clients.
16. All other conduct on the job not in keeping with acceptable standards of behavior generally associated with employment.

B. Forms of Disciplinary Action.

Disciplinary actions may entail verbal, written, final warnings, suspension, or termination. All of these actions may not be applied in some instances. RST reserves the right to exercise discretion in discipline. Prior warning is not a requirement for termination. If an employee is disciplined in writing, copies of the warning(s) are placed in their personnel file. Any or all of the following forms of disciplinary action may be selected by the proper authority.

1. **Oral Warning.** The supervisor orally communicates to the employee the concern or observation of a performance deficiency or policy reminder. Sufficient time for improvement is then given to the employee. The employee will be required to sign a statement that they have received an initial oral warning. If more than one oral

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reprimand is given on the same matter, the supervisor will so note (in writing) and the note will be placed in the employee's personnel file. The employee will also be required to sign this statement acknowledging notification of the problem.

2. Written Warning or Reprimand. The supervisor communicates in writing to the employee the concern or observation of a serious or on-going performance or behavioral deficiency. Both the employee and the supervisor will be required to sign this written warning. A copy of the written warning or reprimand will be delivered to the Human Resources Director for inclusion in the employee's personnel file. These written warnings/reprimands will not be purged from the employee's file but appropriate weight will be given them for future performance evaluations and job considerations. Though the employee is required to sign an acknowledgment of receipt of oral or written reprimands, the employee may also submit their own written comments into the record.

3. Suspension without Pay. Employees may be suspended without pay for a period not to exceed fifteen (15) days. During the period of suspension, the employee may not use any accrued annual or sick leave and no additional leave will be accrued during this period. Suspension periods are different for alcohol/drug infractions (see Part IV (L)). On or before the effective date of the suspension, the employee will be given a written statement detailing the period and cause for the suspension. A copy of this suspension order will be delivered to the Human Resources Director for inclusion in the employee's personnel file. Upon receipt of the written statement of suspension, the employee retains the right to follow established grievance procedures.

4. Termination. Any disciplinary behavior that might warrant a second suspension within any two-year period will result in automatic termination. Termination may also be ordered, for cause, without any suspension period being imposed. Employees who are terminated for cause shall not be re-employed by the Tribe for a period of at least sixty (60) days. No waivers of this disciplinary action shall be granted. A copy of the termination order will be delivered to the Human Resources Director for inclusion in the employee's personnel file. Upon receipt of the written statement of termination, the employee may appeal to the Grievance Committee as described in Section VIII.

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5. Impact of Termination on Dual-Employment. Employees who are terminated from one position may retain their second position only to the extent of their current part-time schedule. During the sixty (60) day waiting period, there can be no expansion of work hours in the second position.

6. Suspension/Termination of Directors. (Exempt Employees). Proceedings to suspend or terminate a Director must be initiated and carried out by the Tribal President. The Tribal President shall decide whether to suspend or terminate said employee. The decision of the Tribal President to suspend or terminate may be appealed to either the Tribal Council (as scheduled by the Tribal Secretary) or to the Grievance Committee.

7. Abandonment of Position. Absence from work for a period of three (3) consecutively scheduled work days without proper notification and satisfactory excuse given to the employee's immediate supervisor will be deemed to be an abandonment of position and a voluntary resignation.

8. Resignation Procedures. When an employee decides to resign from their position, the employee must complete the appropriate Personnel Action Form and give it to their immediate supervisor who, in turn, will forward such notice to the Human Resources Director. This notice must be submitted within two (2) weeks of the resignation date and contain the effective date and reasons for leaving. The employee's supervisor, with the concurrence of the Human Resources Director, may agree to permit a shorter period of notice due to extenuating circumstances or when it is in the best interest of the Tribe. The employee's final paycheck, including pay for accrued leave, will be processed at the next scheduled pay period. An employee who resigns from one position to accept another position and then resigns from that position during the probationary period shall not be eligible for re-employment for a period of sixty (60) days. Waivers may be granted to this policy by the Director. Such waivers shall be written and filed with the Human Resources Director.

9. Seasonal Layoff w/o Pay. Certain positions, as set forth in the job description, require a seasonal layoff w/o pay to accommodate the program work flow. Any employee hired for such a position will be required to sign an agreement that they understand the following provisions of a seasonal layoff:

- the employee will not be paid during a seasonal layoff
- no severance pay is awarded for a seasonal layoff and such a layoff is not subject to challenge through the grievance procedure
- accrued annual (but not sick) leave may be used by the employee
- if, at the end of a seasonal layoff, the employee returns to the same position within the program, service credit will accrued during the period of seasonal layoff but annual/sick leave will not accrue for this period

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10. Reduction in Force (RIF)

a. Procedure.

Any employee may be laid off from employment at any time as deemed necessary by reason of lack of work or funds due to program reduction, reorganization, or other administrative adjustments. The employee will be given a two (2) week written notice of a RIF by their immediate supervisor and such notice will be forwarded to the Human Resources Director. The notification shall state the reasons for the RIF and the option(s) the employee has, if any, for reassignment and subsequent re-employment. Seniority, performance, and type of appointment shall be considered in determining the order of layoff. No employee is to be separated by a RIF until all temporary and probationary employees serving in the same job classification have been separated. A RIF is not subject to challenge through the grievance procedure.

b. Unemployment Compensation and Severance Pay.

Any employee terminated under a 'reduction in force' may be eligible for unemployment compensation. RST will pay severance in the amount of:

Less than one year of employment - salary equivalent of one week

One year or more of employment - salary equivalent of one pay period

11. Employee Check-Out Requirements.

Immediately upon receipt of a lay-off, resignation or termination order, and before the employee is issued a final pay and leave accrual check, the employee shall complete clearance with the following Departments:

- Human Resources Department
- Finance Office
- Property and Supply Office
- Rosebud (RST) PAID Program

XIII. DEFINITIONS.

1. Absent w/o Approval. Absence from work without authorization from the employee's immediate supervisor.

2. Absent w/o Leave. Absence from work with authorization from the employee's immediate supervisor but without accrued sick or annual leave to off-set absence.

3. Active Duty. Currently serving in the Armed Forces.

4. Administrative Leave. A specific release-from-work for RST employees granted at the discretion of the Tribal President, or his/her designee and subject to approval by the employee's immediate supervisor (taking into consideration whether the employee(s) can be spared without detriment to the Department).

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5. **Compensatory Time.** The hours absent from duty granted to compensate for authorized overtime.

6. **Constitutional Officers.** Secretary, Treasurer, Sergeant-of-Arms.

7. **Contract Consultant.** Any person who is retained pursuant to a contract with the RST.

8. **Days.** Refers to calendar days unless specified otherwise as “working” days.

9. **Director.** The head of a Department or program that is responsible for the administration of a department, program or project. This definition also includes: Coordinator; Administrator; Manager, Program Manager or Director, Department Head.

10. **Disciplinary Action.** A verbal or oral warning, written warning or reprimand, suspension, or termination, exercised at the discretion of the employee’s immediate supervisor or Director.

11. **Effective Date.** The date at which any personnel action begins or ends.

12. **Employee.** Any person in the employ of the RST who comes within II. A - D of this Personnel Policies and Procedures Manual.

13. **Fair Labor Standards Act.** The federal act codified at 29 U.S.C. section 218, *et seq.* This Act and the implementing regulations codified at 29 C.D.R. Pt. 541, *et seq.* are guidelines for implementing provisions in this Policy and Procedures Manual principally concerning overtime/compensatory time for non-exempt employees.

14. **Flex-Time.** Up to a two (2) hour variation in the normal work day that may be taken by employees in special circumstances upon pre-approval.

15. **Grievance.** A complaint brought by an employee about alleged inequities or inequitable characteristics of the work environment.

16. **Immediate Family.** Father or Mother (including step); Husband or Wife, including Common-Law relationships; Brother or Sister (including step or half); Son or Daughter (including step or adopted by tradition or law); Grandparents, Grandchildren; Hunka relationships; 1st degree family members, as follows: Uncle, Aunt, Nephew, Niece; Father-in-law, Mother-in-law; Brother-in-law, Sister-in-law.

17. **Indian Preference.** The Policy of the RST set forth in Tribal Council Resolution No. 73-07 that preference in hiring be to tribal members or other Indians.

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18. **Member.** An enrolled member of the RST Tribe.
19. **Nepotism.** A display of favoritism on the basis of family relationships.
20. **Non-Member.** A non-member of the RST includes non-Indians and members of other federally recognized tribes.
21. **Outside Activity.** Outside work, participation on boards, volunteer activities and so forth.
22. **Outside Work.** Any gainful employment other than the performance of official duties, including but not limited to, self-employment, working for another employer, and management of a private business for profit and so forth.
23. **Minimum Qualifications.** Those qualifications that are necessary to perform the duties of the position.
24. **Moonlighting.** Holding a second (dual) position (by a tribal employee).
25. **Pay Range.** The minimum, intermediate or maximum rates of pay established for a particular position.
26. **Personnel Action Form.** A standard form which reflects pertinent information regarding hiring or any other changes in an employee's status.
27. **Political Appointee.** (a) An employee directly appointed by the Tribal President or his/her designee to a tribal position and for whom employment conditions are set forth by the Tribal President. (b) Staff of a political appointee for whom employment conditions are set forth by the Presidential political appointee.
28. **Position.** A group of current duties and responsibilities assigned or delegated by the Director to one person. A place of occupancy within the tribal services with defined responsibilities as documented by a job description.
29. **Probation.** Specific time periods in which the employee's work is evaluated to determine fitness for a position in tribal service.
30. **Promotion.** The movement of an employee from one position to another resulting in an increase in pay and/or increase in duties.
31. **Reduction in Force (RIF).** The separation of an employee from tribal employment by reason of lack of work or funds due to program reduction, reorganization or other

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administrative adjustments.

32. Resignation. The end of employment made at the request of the employee.

33. Rotating Shift Employee. An employee in a program which provides services around the clock and which utilizes rotating shifts.

34. Seasonal Layoff w/o Pay. A temporary suspension of job duties as required by program work flow.

35. Supervisor. Anyone who has supervisory authority over other personnel.

36. Suspension. An enforced leave of absence for disciplinary purposes. A suspension may be 'with pay' or 'without pay'. If the suspension is 'without pay', annual and sick leave may not be used during that time period and additional accruals will not be earned during that time period

37. Transfer. The movement of an employee to another Department or position.

38. Tribal Council. The policy making and governing body of the Rosebud Sioux Tribe.

39. 24/7 Employee. An employee of a program which provides services of an emergency nature and which may require employees to be on-call 24 hours/day and 7 days/week.

40. Vacancy. A duly created position which is not occupied and for which funds have been allocated.

Adopted by the Rosebud Sioux Tribe Tribal Council with a first reading January 16, 2009 and seconded reading on February 25, 2009, as Ordinance No. 2007-09.

